

## **ADMINISTRATIVE PANEL DECISION**

**B&B Hotels v. Danny Sullivan**  
**Case No. D2024-3622**

### **1. The Parties**

The Complainant is B&B Hotels, France, represented by Fiducial Legal By Lamy, France.

The Respondent is Danny Sullivan, United States of America (“United States”).

### **2. The Domain Name and Registrar**

The disputed domain name <bbrhotel.com> is registered with DropCatch.com LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 6, 2024. On September 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 10, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy, NameBrightPrivacy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 12, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on September 16, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceeding commenced on September 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2024. The Response was filed with the Center on October 8, 2024.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on October 14, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

##### **A. Complainant**

The Complainant is a company incorporated in France in 1990 and the operator of 748 hotels in Europe (of which, 396 in France and 174 in Germany) under the B&B HOTELS word and device mark (the “Trade Mark”).

The Complainant is the owner of registrations in jurisdictions worldwide for the Trade Mark, including International registration No. 1706736 (designating the United States), with a registration date of September 29, 2022.

The Complainant is also the owner of registrations in France for the word trade marks BBHOTEL, BB-HOTEL and HOTELBB, all with a registration date of October 18, 2002.

The Complainant is also the owner of several domain name registrations, including <bbhotel.eu>, <bbhotel.org>, <bbhotels.com> and <bbhotels.eu>, each of which resolve to the Complainant’s corporate website featuring the Trade Mark.

##### **B. Respondent**

The Respondent is an individual located in the United States.

The disputed domain name was registered on April 21, 2024.

The disputed domain name presently resolves to a parking page with pay-per-click (“PPC”) links relating to hotels and hotel related services.

It was previously offered for sale via a “Buy this domain” website hosted by dan.com, for an asking price of USD1,500.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s Trade Mark and other word marks BBHOTEL, BB-HOTEL, and HOTELBB.

Furthermore, the Complainant asserts that the Respondent’s use of the disputed domain name in respect of a parking page with PPC links relating to hotels and hotel services, and with an offer for sale in excess of the reasonable costs incurred in registering the disputed domain name, (1) does not give rise to any rights or legitimate interests; and (2) amounts to bad faith registration and use of the disputed domain name, targeting of the Complainant and its Trade Mark.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that:

- (i) The disputed domain name consists of the acronym “bbr” together with the word “hotel”;
- (ii) The letter “r” is not near the letters “bb” on a keyboard, so it is unlikely that visitors attempting to visit one of the Complainant’s websites would mistype the address and be led to the Respondent’s website;
- (iii) The Complainant does not operate any hotels in the United States, where the Respondent is based;
- (iv) The Complainant’s website features the Trade Mark (B&B HOTELS) which is different to the wording of the disputed domain name (which, notably, does not feature the ampersand “&”);
- (v) The parking statistics over the month leading up to the filing of the Response showed that there were only 6 visitors to the Respondent’s website, only one of which was from France;
- (vi) For the above reasons, there is no risk of confusion between the disputed domain name and the Complainant’s marks;
- (vii) On the website <abbreviations.com>, there are currently 61 different uses of the acronym “bbr”; and
- (viii) The Respondent registered the disputed domain name without an exact idea of how the disputed domain name would be used in future, but with the expectation that there would likely be a future use for the acronym BBR in relation to hotels or travel.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Trade Mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

In light of the Panel’s finding in respect of the third element of the Policy, it is not necessary for the Panel to make any determination in respect of the second element.

### **C. Registered and Used in Bad Faith**

The evidence in the case file as presented above does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's Trade Mark.

The Panel notes that the Respondent's reference to other acronyms or uses of "bbr" would not vest the Respondent with a right or legitimate interest in the disputed domain name, but in any event, there is no evidence that the Complainant has been targeted.

In all the circumstances, the Panel is unable to conclude that, in registering and using the disputed domain name, the Respondent has targeted the Complainant and its Trade Mark.

The Panel finds the third element of the Policy has not been established.

### **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Sebastian M.W. Hughes/*

**Sebastian M.W. Hughes**

Sole Panelist

Date: November 5, 2024